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OMAHA, WEDNESDAY MORNING, NOVEMBER 30, 1904-TEN PAGES.

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Federal Court in California Decides Sugar Rate Case Against Kearney.

NEW VIEW OF LONG AND SHORT HAULS

Rate to Terminals May Be Lower Than to Intermediate Pein WATER ROUTE COMPETITION \$ 4 ERED

May Discrimination Against Interior Place All on Fair Footing

COMMISSION HAS NO POWER Court Holds that Order Do-

Apply to the Union Pacific Rusts road, as it is Not a Party to Original Suit.

FRANCISCO, Nov. 29.-United handed down a decision in the case of the Interstate Commerce commission against the Southern Pacific company, the receivers of the Union Pacific Rallway company and the Union Pacific Railroad company fendants. in favor of the railroads.

The point at issue was the right of the rate on sugar from San Francisco to Kearthrough to Omaha, Neb. The court found | defraud the government. that the rate established by the defendant companies was not unjust; that the com-

made necessary by the continuous com-petition with the all water routes.

"In the case of sugar," said one of the officials, "the raw material can be refined at San Francisco and hauled in here from the west or it can be taken to Philadelphia and refined and then be sent in here It is six of one and a half dozen of the other. It is 'this water competition that we have to fight against to put our terminal points on a fair footing with those points favored by all water routes. It is, therefore, natural that in the case of sugar, as in other similar commodities, terminals should have a lower rate than intermediate points."

than the prepared sizes, the rate charged is an average one between the two and in his opinion is not unreasonable.

The witness then submitted other figures showing the geographical distribution of coal and said that if a proportionate part of the coal purchased under contract went to New York City it would not represent one-sixth of the total shipments to New

Mr. P. Biauvelt comptroller of the Erie road, taking up the question of the rates on brick stone, lumber and pig fron and the routes traveled embraced in the tables of complainant and which had been put in evidence for the purpose of comparison with the rates on coal and the routes trav sled, declared that many of the rates and routes alleged by the complainant did not

Under questioning Mr. Blauvelt furnished statistics showing the expense attached to the handling of empty cars, a factor not usually taken into account in making extimates of the cost of operating a coalcarrying road.

George F. Brownell, who also appeared for the Erie, put in evidence figures show ing the amount of the passenger and freight traffic on the Eric railroad, as well as the cost of operating the road. In recent years, said Mr. Brownell, there has been an increase in the labor account of the road. The cost of fuel in 1903, when there was a falling off in the gross earnngs of the road, had been higher by \$7,000, 000 than in 1902. Responding to a question by Chairman Knapp, Mr Brownell ashad been a reduction in its efficiency, with a corresponding increase in cost.

On cross-examination by Mr. Shearn. Mr. Blauvelt admitted that last year's coal business on the Erie was the most profit able of any year. Asked to explain "the inconstatency of this statement," since the figures showed a falling off in gross earnings, while there had been an increase in the cost of operation, Mr. Elauvelt said it was due to the volume of buriness.

The witness then corrected his forme testimony by saying that the present year was not the most profitable, but that it was less profitable than 1903, and he ascribed as a reason the fact that his con pany did not sell as much coal and that the coal which was sold cost more to

Mr. Blauvelt, in reply to Mr. Shearn said he could not say that the selling price of coal had been increased more than the cost. It was a fact, however, that the de cision of the anthracite coal strike commission had caused an increase of 50 cents the cortes. a ton in the most of anthracite coal. This brorease, however, he explained, applied only to certain months in the year, and was chargeable directly to labor.

After a short general discussion, which Chairman Knapp Joined, regarding the comparative tariffs on anthracite and bitaminous coal, the hearing was adjourned until tomorrow.

HERR MOST LEAVES ST. LOUIS Aparchist Speaker is Not Permitted by Police to Make Address.

ST. LOUIS. Nov. 29.-On the promise that he would leave the city, "Herr" Johann Most, the New York anarchist, who was arrested last night, was released today. His arrest last night followed the breaking up of two meetings at which he was to have spoken on anarchy.

No charge was made against him and he was held for the chief. When Chief of Police Kiely had Most brought before him today he was asked if he would leave the city if released. On answering in the affirmative the police gave Most his liberty,

RAILROADS WIN CASE EVIDENCE OF CONSPIRACY CONVICTS FOR THE CANAL

Government Making a Strong Case in Prosecution of Oregon Land Fraud Cases.

session of the land fraud cases trial established the circumstances of the alleged con-spiracy. Point after point was adduced to show the relations between Puter and Mrs. Watson. This came out in the testimony of Wells A. Bell, a United States commisstoner of Pineville, who said he saw Mrs. Watson sign the name of William J. Puter in the presence of S. A. D. Puter, and the testimony of W. A. Richards, commissioner of the general land office, who arrived from Washington, D. C., last night, that he

saw them together with United States Senator Mitchell in Washington on the occasion of an alleged call to see about expediting the consideration of the alleged fraudulent claims and rushing the patents Evidence was offered by Commissioner

Richards that both C. E. Loomis and S. B. Ormsby were detailed as special officers by the department to investigate conditions of States Circuit Judge W. W. Morrow has not brought out at the time of the examination of Congressman Binger Hermann, was to the effect that those officers were vested with power by virtue of their instructions to administer oaths to the de-

This evidence contradicts the statements unions have memorialized the government contained in the affidavits of Loomis and to build the canal with union labor, and Commerce commission to declare unjust a Ormsby, that they were not granted such powers, and intended to establish further ney Neb., as compared with the lower rate the fact that there was a conspiracy to

If the plans of the government materialiges its case will rest tomorrow, United mission has no right to legislate and that States District Attorney Hall today was the Union Pacific Railroad company could granted an order for thirty-six additional not be bound by the order of the commis- jurymen to report next Tuesday for service sion, anyway, it not being a party to the in the next case. Now that the government is soon to cease its efforts at conviction It was explained at Union Pacific head- there has arisen much conjecture as to quarters that the lower rates from the of what nature the defense will be. The coast to terminal points like Omaha are attorneys for the defense have not thrown

STUDENTS TO SUPPORT MINISTER

Svintopolk-Miraky Will Have Special Audience with the Emperor. ST. PETERSBURG, Nov. 29 .- The student bodies of St. Petersburg have adopted resolutions to support Interior Minister Sviatopolk-Mirsky. It now transpires that the students' demonstration planned for yesterday was in approval of the minister's policy.

Prince Sviatopolk-Mirsky will have a spe cial audience with Emperor Nicholas tomorrow. It is said in court circles, where

application for a separation from her husand. Count Czaykowski, secretary of the cree awards the wife the care of her children. The count pleaded that Turkish law gave him control of the children above 7 years of age, but the court sustained the counters' plea that the Turkish law is inapplicable to parties resident

AMERICAN TOURIST KILLS HIMSELI New York Man Jumps from Third

outside of Turkey.

Floor of London Hotel. LONDON, Nov. 29 .- Elverton Chapman aged 23, whose home is in New York City, emmitted suicide last night at the Carlton hotel by throwing himself from the third floor landing to the vestibule, where he was shockingly mangled on the marble floor. His skull was crushed, one arm was shattered and there were other in-

juries, from which he died in terrible agony within a few minutes.

FOURNIER IS ON THE BOARD France Selects Him as Its Member of

the North Sea Commission. PARIS, Nov. 28.—The council of ministers today designated Admiral Fournier to sit on the Anglo-Russian North sea commis

Foreign Minister Delcasse informed the council that the foreign minister's palace serted that in the matter of labor there on the Quay d'Orsay would be placed at the disposal of the commission, which will assemble at an early date.

Propose Leniency for Japanese. MELBOURNE, Victoria, Nov. 29.-The ederal House of Representatives will next week discuss the question of withdrawing the restriction placed on the entry of Japanese into the commonwealth, on the ground, the words of the motion, that "they have placed theselves in the front rank of nations, have granted religious freedom,

come the honored ally of Great Britain."

MADRID. Nov 29 .- Finance Ministe Sama introduced a bill in the Chamber of Deputies today imposing 80 cents duty on mported corn (per 100 kiles) and \$1.40 on imported flour (per 100 kilos) whenever the away, are turned out into the world pracprice of Spanish wheat exceeds \$5.60 per 100 tically penniless and with blighted hopes kilos. The new duties will become effective Imprisonment necessarily reduces mental immediately after the bill is approved by

Rudicals Leave Office. MILAN, Italy, Nov. 29 .- Following the defeat of the lawless elements as a result of the municipal elections Sunday, all the radical members of the municipal council have resigned. A royal commissioner will conduct the administration of Milan until

the general administrative elections Wedding Party is Slaughtered. RELGRADE, Servia, Nov. B .- A wedding party near Monastir, Macedonia, has been attacked and slaughtered by Greek bands, according to a telegram received at the Foreign office. Thirteen of the party were killed and five were wounded. The Greeks escaped to the mountains.

Passenger Rates to Be Restored LONDON, Nov. 29 .- The final points of dispute between the Cunard and White lines have been adjusted and circu lars will be issued restoring the Transat-

PARIS, Nov. 29,-Cardinal Richard, archsishen of Paris, is in fil health and it has been reported that he is dying, but this is authoritatively denied.

Panama Work May Be Done by the Idle Prisoners.

PORTLAND, Ore, Nov. 29.-By detail after detail, the government during today's SENATOR DIETRICH HAS A SUGGESTION

> Plan that Would Solve Some of the Problems that Confront Authorities and Provide Employment for Prison Labor.

(From a Staff Correspondent.) WASHINGTON, Nov. 30 .- (Special.)-The employment of convict labor, under certain restrictive conditions, to cut the Isthmian canal, is a project on which Senator Dietrich of Nebraska has some very pronounced views. He may use these tive legislation in the coming session.

"One of the important problems in the construction of the Panama canal is the employment of labor," he said the other day to a friend. "Another is the building of the canal with the least possible loss of habitation and improvement of lands in life. Modern sanitary methods will unthe 11-7 district. This evidence, which was doubtedly solve the latter, and I believe the gan here today in the Baptist temple. The employment of convict labor would help to solve the former.

"An army of 30,000 or 40,000 laborers would of the condition of the canal region. Trade | vention. other organizations have sent to Washingful if the canal could be built entirely paratively scarce quantity in America, it ness would be difficult, if not impossible, to recruit the entire army in the States. While the number of men necessary has been variously estimated at from 30,000 to 50,000, it is certain that recent improvements in machinery will make possible the construction of the canal with one-half or one-third of the labor which would have been re-

quired when the work was first attempted. Army of Prisoners Available. "In the state, federal, military and naval prisons of the United States are confined approximately 50,000 men, of whom 25,000 are idle or are employed at contract labor. The others are employed on government account at duties incidental to the care and maintenance of their places of con-MEARING COAL ROAD CASES.

HEARING COAL ROAD CASES.

HEARING COAL ROAD CASES.

HEARING COAL ROAD CASES.

Interestate Commerce Commission
Listens to Testimony on Output.

WASHINGTON, Nov. 28.—The final hearing but he was ready to resign if his policy in the matter of the complaint of William in the matter of the complaint of William was begun here today.

W. W. Ruley of Philadelpria, chief of the bureau of anthracite coal statistics, submitted tables showing a constantly increasing tongumption of the smaller size coal, which is produced at greater cost.

PARIS. Nov. 28.—The first iribumal of increasing consumption of the smaller size coal, which is produced at greater cost.

Coal Road Cases.

HEARING COAL ROAD CASES.

Hearing Coal Road Cases.

He opposition to the interior minister's the opposition to the interior minister's bodied. Drawing the line of physical displayment in the total number of prisoners are able bodied. Drawing the line of physical displayment in the total number of prisoners are able bodied. Drawing the line of physical displayment in the total number of prisoners are able bodied. Drawing the line of physical displayment in the content of physical displayment in the content of the minister reminded the emperor that he had taken office under certain conditions and to the total number of prisoners are able bodied. Drawing the line of physical displayment in the distance of physical displayment on the call unumber of physical displayment in the total number of physical displayment in th finement. Probably not more than half of

showed that on account of the constantly increasing consumption of the smaller size the Seine decided today in favor of Countmoney?" the senator was asked.

"By no means," he answered. "It would Collins of New York, and a great-grand- be in the interest of humanity quite as National daughter of Commodors Vanderbilt, in her much. There always has been and always will be serious objection to the confinestockades are a safeguard to society, but improving the morals of those confine! within them. The system is particularly bad where persons are confined without legitimate American labor may be unfair for the reason that convict labor can be more cheaply performed, especially if compulsory. To there are also economic objections. Jobbery in the letting of contracts alone has tended to bring the system into disrepute. Again in the prisons where contractors pay for the cost of maintaining convict employes it has been found in many cases

that the care given is vastly inferior. No Conflict with Skilled Labor "But the foregoing objections do not hold in the employment of our prisoners, under military control, in the construction of the Panama canal and other government works, such as the building of irrigation eservoirs and canals for the reclamation of arid lands. Such a practice would b consistent with good judgment and not inasistent with a fair and wise industrial policy. It would provide employment for our prisoners of a character in no way conflicting with skilled labor, and temporarily, at least, would solve the probler of competition between elective and penal labor. With such labor available, the government could undoubtedly undertake projtects which could not otherwise be tempted.

Your notion would be, of course, that the convicts would derive physical benefit from this little excursion into comparative

"The benefit would accrue not merely to have established consulates and have be- and estate as well. I need hardly remind you that our laws, policies and methods of dealing with criminals result, so far as the offenders themselves are concerned, in destroying rather than inspiring courage and self-respect. Persons are cast into prison for a term of years, and then, after all their helpful social relations have passed and physical energy, and the condition of the released convict is therefore all the more deserving of studious consideration Confinement without employment is ob viously bad for the prisoner in every way. Statistics show that a considerable proportion of such prisoners go insane before the expiration of their sentences. My plan is to obviate this condition of affairs.

Helpful to Convicta

"I am confident that the national govern ment, by the use of modern and scientific methods, will be able to cabilsh sanitary conditions on the canal zone which make it fully as healthful as the low lands of the southern states, where our native labor has been successfully employed. The hygiene of the region will be vastly improved under American direction, and it will no longer be the disease-breeding hole it has been since the agitation for a canal first started, Our scientists can do on the isthmus what has already been done in luba. In the French work on the canal little or no attempt was made to improve lantle passenger rates to their old level. sanitation, probably because there was not at that time a full realization of the actual aditions. Profiting by the misfortunes and disasters of the past the American managers of the enterprise will pay first

(Continued on Second Page.)

BEST OF ALL

OMAHA, Nov. 29, 1904.—Bee Publishing Company, City: Gentle-neen-In response to your inquiry as to what we think of Bee want ads, will say that in our various lines of advertising we have found by experience that nothing gives us better returns for the money than the want ads in The Omaha Bee.

As a direct result of last week's advertising in The Bee we have sold four Wheeler & Wilson ball-bearing sewing machines. Yours respect-

NEBRASKA CYCLE COMPANY. Per George E. Mickel.

NATIONAL W. C. T U. MEETS as the basis for at least a piece of tenta- Gathering Representing More Than 300,000 Women is Called to Order in Philadelphia.

PHILADELPHIA, Nov. 29.-The thirty first annual convention of the National Women's Christian Temperance union beunion numbers more than 300,000 members and includes in its ranks members of every Christian denomination. Five hundred not be hard to raise. The difficulty would delegates, from every state and territory be in its selection, and in the improvement in the union, are in attendance at the con-

ton the more liberal prayer that only known clergymen and educators will join American labor be employed. Laudable and the speakers. Representatives from numerpatriotic as these requests are, it is doubt- ous charitable and social improvement societies will also address the meeting. The uunder either plan. In the first place, it is chief feature of today's program was the questionable whether the trade unions of annual address of Mrs. Lillian M. N. Stevthe United States can produce enough ens of Portland, Me., president of the orlaboring men to carry on the work. In the ganization. Mrs. Stevens has failed to atsecond place, because of the fact that un- tend but one convention in thirty years, employed labor of any kind is today a com- and at that time she was kept home by III-

Mrs. Stevens, in her address, made the following recommendations:

I recommend that we continue to make a vigorous effort for the enactment by con-gress of the Hepburn-Dolliver billi to con-trol the interstate traffic in intoxicating trol the interstate traffic in intoxicating liquors.

For the passage of the McCumber bill forbidding liquor selling in government buildings; this bill seeks to suppress liquor selling at the national soldiers homes.

The bill to prohibit the traffic in opium except for medicinal purposes in the entire jurisdiction of the United States and for the provision of government treatment for the habitual victims of this drug. On November 8 we sent from national headquarters a petition to Secretary Hay to use his diplematic influence to induce Great Britain to release Chinese from the enforced opium traffic, which we believe to be contrary to the sentiment of British people and to the real interest of British commerce.

is in accordance with the memorial of the National Women's Christian Temperant union presented to the senate on March 9. The president also urged the members of ment, without employment of persons the organization to be watchful of the Turkish legation at The Hague. The de- who have violated the law. Our prison candy eaten by children, some of which contains alcoholic drops. She suggested an they are of little value in the way of appeal to the United States Postoffice department for the extension of the movement to exclude from the mail advertisements of patent medicines and nostrums anything to do, a condition due sometimes where chemical analysis shows premedito local objections to the employment of tated fraud on the part of the manufacconvict labor either under contract or turer and distributor, and that such action on government account. In manufactures shall be taken as shall require labelling the competition between convict labor and these medicines in a way that will indicate the amount of alcohol, oplum or other polsonous drugs they contain. The afternoon session was devoted principally to the the use of such labor reading of reports and other routine busi-

> ness. Mrs. Susanna M. D. Fry of Illinois, corresponding secretary, reported that during the year 272 new unions were organized and 9.415 members secured for the national organization, in addition to the 1,241 Loyal

Temperance legion members. Twenty states were sided by the Frances Willard memorial fund, the sum distributed being \$1,065. For organization purposes the sum of \$3.063 was spent.

Mrs. Helen Morton Barker of Illinois, the national treasurer, reported the total receipts from all sources were \$58,215, of which \$16.475 were dues. The expenditures totaled \$55,951, leaving a balance of \$2,264, which, with the balance from last year gives the reasury \$3,642.

WESTERN MATTERS AT CAPITAL

Wyoming Gets Land Selected Abandoned Military Reservation.

(From a Staff Correspondent.) WASHINGTON, Nov. 29 .- (Special Tele gram.)-The secretary of the interior today approved the selection by the state of Wyoming of 1,272 acres in the abandoned a convict's body, but to his mind, morals Fort McKinney military reservation to be used for charitable, educational, penal and reformatory institutions.

Rural routes 1 and 2 have been ordered established January 2, 1965, at Grattinger. Palo Alto county, In., serving 1,035 people and 227 houses.

Rural carriers appointed: Iowa-Germania, route 2; William E. Gutknecht, carrier; Fred Gutknecht, substitute. South Dakota-Henry, route 2; William Callahan, carrier; Lens Callakan, substitute. Marc Halversen has been appointed postmaster at Gunder, Clayton county, Ia., vice

Elizabeth Halvorsen, resigned. PRESIDENT AT THE WHITE HOUSE

Special Train from World's Fair Arrives in Morning.

WASHINGTON, Nov. 29 .- President Roosevelt arrived here today at 7:02 a. m. from his visit to the St. Louis expesition. The train was awaited by a throng of several hundred people in the Pennsylvania railroad station and as the train drew into the station the crowd broke into cheers. It was thirty-five minutes later when the president, accompanied by Mrs. Roosevelt and his daughter, Miss Alice Roosevelt, alighted from their car. They were conducted immediately to their rapidly to the White House.

PHILADELPHIA. Nov. 25.—Anciliary letters of administration were granted today by the registrar of wills in the estate of Edward L. Wentz, the wealthy young Philadelphian whose mysterious death in the mountains of West Virginia has never been mountains of West Virginia has never been mountains of the state is variously estimated at from \$250,000 to \$500,000 and the bulk of the property is left in trust for the benefit of his fiances. Cornella Brockmirs, who lives in St. Louis.

Case of Woman Who Borrowed Large Sams from Ohio Banks Goes Over.

HER CREDITORS MEET AT NEW YORK

Attorney for Herbert B. Newton Says Note for \$500,000 Deposited as Collateral is Signed by Andrew Carnegie.

court today it was announced at the hear-ing of Mrs. C. L. Chadwick in connection with the suit brought against her bert B. Newton of Brookline, Mass., had been postponed until Thursday next. nearing was postponed by consent of the attorneys representing both sides.

Mrs. Chadwick was not in court. She was represented by John H. Clarke of this city as counsel. He declined to state whether or not he expected Mrs. Chadwick to attend the hearing next Thursday.

A report to the effect that Andrew Carnegie's name appears on the note for \$500,000 given by Mrs. Chadwick as security for a loan from the Citizens National bank of Oberlin was persistently circulated here today. Developments today indicate that Mrs. Chadwick has for a long time done business with many of the banks of Cleveland and also in those of surrounding Presidents of representative women's towns on a big scale. Leading bankers been diverted from the Edison Phonograph clubs will be invited to make addresses have stated that they have frequently during the convention and many well loaned Mrs. Chadwick from \$25,000 to \$100,000 These notes have, it is said, usually been them. paid promptly when due.

Iri Reynolds, secretary and treasurer of to make any statement whatever concerning the notes given by Mrs. Chadwick to his bank as collateral and which are also reported to bear the endorsement of Andrew Carnegie. There is said to be a possibility that the motion for the appointment of a receiver to take charge of the securities, amounting to \$5,000,000, said to be held in trust by Iri Reynolds for Mrs. Chadwick, will not come to argument.

It was stated by one of the attorneys for Mrs. Chadwick today that the continu ance was asked for in view of negotiations for a settlement. There is every evidence the attorneys say, that the matter will be adjusted and that the appointment of a receiver will not be necessary.

It was stated by a friend of Mrs. Chad wick today that the latter has made ar rangements with financial men in New York to cover her indebtedness to Mr. Newton.

Attorney Arthur A. Stearns, representing Banker Newton of Brookline, Mass., in the case of the latter against Mrs. C. L. Chadwick, left for New York this evening to attend a conference with Mrs. Chadwick's attorneys Thursday morning at 10:30 o'elock. Attorney Stearns said this afternoon:

I have had a half dozen messages from New York, calling me to a meeting look-ing to a settlement of the suit. I cannot tell anything of what may transpire there or what the result will be. There was such a steady withdrawal of

that the officials determined to enforce the sixty days' notice of withdrawal rule. Oberlin Loans Aggregate \$342,000. today on what is believed to be reliable authority that the amount loaned to Mrs. C. L. Chadwick by the Citizens' National bank of Oberlin, which falled yesterday, is \$240,000. This is said to be exclusive of the \$102,000 loaned by President Beck-

with and Cashier Spear personally to Mrs. Chadwick. Woman's Creditors Meet at New York NEW YORK, Nov. 29 .- A meeting of Mrs. Chadwick's creditors was held here today and was presided over by George E. Ryall, the New York attorney for Herbert D Newton of Brookline, Mass., who is suing irs. Chadwick for the recovery of \$190,800 he loaned her on notes. Mr. Ryall today issued the following statement:

There was a conference at my office, at which were present Mr. Newton, Mr. Carver of Boston, Judge John Albaugh of Canton, of counsel for Mrs. Chadwick, and myself. On behalf of Mrs. Chadwick, Judge Albaugh requested that the receivership proceedings be put off until Friday, at which time he will have her affairs in some kind of shape. This was agreed to and Mr. Newton and Mrs. Carver went back to Boston on a late train.

Mr. Newton said that he had seen a note for \$500,000 which was given by Mrs. Chadwick as collateral for a loan from the Citizens' National bank of Oberlin, O., which failed yesterday. My client told me that this note carried the signature "Andrew Carnegic." This will have to come out, sooner or later, so I tell it now.

The following statement was made by

The following statement was made by Mr. Carnegie's secretary; Mr. Carnegie read this report and pro-nounced it absurd. Mr. Carnegie does not know the woman at all. Subsequently Mr. Ryail said the receivership proceedings in the Chadwick case in Cleveland was postponed to enable Mrs

Chadwick to make a settlement of Mr. Newton's claim. "It was the understanding last night. said Mr. Ryall, "that Mrs. Chadwick would settle a large part of Mr. Newton's claim n cash and give security for the balance. Ryall did not know that Mrs. Chad-

wick had secured the funds necessary. Mr. Ryall was asked today if it might be possible that the name "Andrew Carnegie" had been forged and he replied: "If that is so less than four hours will elapse until some one is under arrest."

Newton's Attorney Involves Carnegie. BOSTON, Nov. 29 .- Herbert D. Newton of Brookline, the plaintiff in the suit against Cassie L. Chadwick, refused tonight to discuss the case in any phase, but re ferred inquirers to his counsel, Percy W.

At his home in Newton tonight, Mr Carver told an Associated Press representative that important developments in the case of Mrs. Chadwick were expected within a few days. Referring particularly to the note of \$500,000 said to have been signed with the name of Andrew Carnegie Mr. Carver said:

In Mr. Newton's bill of complaint which has been filed in the suit against Mrs. Chadwick, Mr. Newton alleges that as an inducement for him to loan Mrs. Chadwick \$190,800 Mrs. Chadwick showed him a note for \$500,000, which was signed by man whom Mr. Newton believed to be fully responsible as one who could stand behind the standard of the standard standa responsible as one was requested. I per such a loan as was requested. I pre not to state what name was signed to t note, but you can say that we do contradict the statement that the n bore the signature of Andrew Carnegie Mr. Carver, who spent the day in thi city, said that he was in telephonic com munication today with Lawyer Ryall of New York, who has been handling Mr. Newton's case in that city, on the subject carriage, which was in waiting, and driven of the suit. He said that the conversation did not develop anything of moment Mr. Carver stated in conclusion that Mr.

> \$500,000 was not at all unexpected. Farmer Loses Arm

Carnegie's repudiation of the note for

ABERDREN, S. D., Nov. 29 .- (Special.)-William Oehler of Grant county had his arm caught in a corn shradder, the limb

MRS. CHADWICK WILL SETTLE NEBRASKA WEATHER FORECAST GUNS COMMAND PORT Fair Wednesday. Thursday Fair and

Temperature at Omaha Yesterday: Hour. Deg. Hour. Deg. 5 s. m..... 34 1 p. m..... 33 Hour.

2 p. m..... 33 6 a. m 33 7 a. m..... 31 8 a. m.... 39 3 p. m 32 4 p. m 32 9 n. m..... 31 10 a. m..... 32 11 a. m.... 33 5 p. m 32 7 p. m..... 32 8 p. m..... 30 9 p. m..... 29 12 m..... 33

STARTS SUIT AGAINST EDISON RUSSIAN TORPEDO BOAT INJURED

CLEVELAND, Nov. 28 .- At the opening of International Graphophone Company Desires Receiver for the Edison Phonograph Works.

> TRENTON, N. J., Nov. 29.-The International Graphophone company today instituted suit in the court of chancery asking for the appointment of a receiver for the Edison Phonograph works of Orange, N. J., and also asking that Themas A. Edison, John Randolph, William E. Gilmore, the Edison Phonograph and the National Phonograph company make discovery of the assets and profits of the Edison Phonograph works, alleged in the bill to be wrongfully diverted to the National Phonograph company and to the Edison Manufacturing company. Insolvency is not aileged.

It is also asked that the defendants make a statement of all profits or money that has works by Edison, Randolph, Gilmore, the Edison Manufacturing company, the Naon notes endorsed by wealthy persons, tional Phonograph company, or any of

The International Phonograph company owns 1,440 shares of the Edison Phonograph the Wade Park Banking company, refuses | works, and the bill charges that this company and Edison in 1890 agreed to form the Edison United Phonograph company, which was to have close business relations with the Edison Phonograph works and to nandle phonographs made by the latter company. It is further charged that in 1896 the National Phonograph company was formed by Edison and others and that this latter company furnished phonographs to the exclusion and to the financial detriment of the International company.

JOHN A. CHANLER IN COURT fected a lodgement at Pigeon bay, thus Man Adjudged Insane in New York Asks Federal Judge to Declare His Status.

NEW YORK, Nov. 29 .- Thomas F. Shernan, who was several years ago appointed conservator of the person and estate of John Armstrong Chanler, former husband of Amelie Rives, the authoress, today filed an answer to the complaint which Mr. Chanler entered in the United States Circult court here to have Mr. Sherman's appointment declared nuli and void. The apcointment complained of was made by the supreme court on the ground that Mr. Chanler was mentally incompetent to manage his own affairs. He was placed in the Bloomingdale asylum, from which institution he escaped in June, 1899. An action was then commenced in Virginia, where Mr. Chanler claims a residence, to deposits from the Wade Park bank today determine the question of his sanity. He

was adjudged sane by the courts. General Sakharoff wires under today's In his answer Mr. Sherman denies that date that the night passed quietly, was adjudged sane by the courts.

the matter. Mr. Sherman also claims that the commitnent of Mr. Chanler to the asylum was regular and proper and that he was then

and is now insane. BOYS IN HANDS OF POLICE from Omaha and Two from Council Bluffs Charged with

Robbery. ST. JOSEPH, Mo., Nov. 29,-(Special Telegram.)-John Brady, Roy Ceremer and Abe Taylor, three small boys, the first two from Council Bluffs and the last from Omaha, are held at the Central police station or the charge of burglary and larceny. Taylor confessed after a couple of hours sweating, that he robbed the residence of

Judge Joseph Rea in Savannah yesterday afternoon and that he secured \$90 in cash and some jewelry. He says he did the job alone. Taylor says his father, E. A. Taylor, is plumbing inspector in Omaha. The boys were traveling through' the ountry in a wagon and say they were making a living trading horses and dealing in

When they arrived here this morning from Savannah they began spending mone; freely and the suspicions of the police were roused. They had many new clothes and considerable money when searched at the police headquarters. The boys say their destination was New Orleans and that they expected to arrive there about the first of the year.

BOER WAR SHOW IN COURT showing is Made that Expenses Have Been \$100,000 in Excess of

ST. LOUIS, Nov. 29.-Jacob Althaus and other stockholders in the South African Boer War Exhibition company at the World's fair concession, filed application in the circuit court asking that a receiver be appointed to take charge of the assets of the concern, that the sale of the com pany's outfit made at auction to C. W. Wall, on November 12 be declared of no effect, and that an injunction be issued to prevent Wall from taking possession of who were repulsed, never approached the property. Judge Sale entered an order directing the defendants to show cause next Friday why the application should

not be granted. It is asserted by the plaintiffs that the oncern was organized with a capital of \$250,000, alleged to have been paid up. The receipts of the concern, it is alleged, up to November 23, amounted to \$600,000, and the house which had served as a fortress from expenses, according to the defendants, to which the Japanese sutped Russian out-\$700,000. It is further charged that only \$55,000 of the capital stock has been paid in It is stated that the company had been reorganized with the intention of giving exhibitions throughout the country

MURDER IN EDMUNDS COUNTY

Word Just Received of Crime Com mitted by Dakotan Last Week. ABERDEEN, S. D., Nov. 29 .- (Special.) News has just reached this city of a sensational murder that occurred in Edmunds county a week ago. On Saturday morning, November 19, Frederick Me er and his wife became involved in a bitter quarrel at the home of their son-in-law. John B tterman about fifteen miles south of Bowle, and Meler stabbed his wife with a jackknife indicting wounds from which she died on being so badly mangled that amputation the following day. Meler is held for trial at the December term of circuit scurt.

Another Report that Japa Now Occupy 203 Meter Hill.

KOUROPATKIN MAY STRIKE QUICKLY Report Says Russian Force in Manchuria is

Now Twice that of Japan.

Destroyer Prousitckny Stops at Brest with a Role in Side of Its Hull.

POISON SPREAD FOR JAPANESE DOGS

Soldiers of Canr Try to Kill Trained Animals Which Discover Their Secret Positions Near Mukden.

LONDON, Nov. 30 .- According to a Tokio dispatch to the Standard there is an unofficial rumor that the Alapanese hauled large callber guns to the top of 203 meter hill, from whence their fire has a sweep

of the whole harbor. This report doubtless goes beyond the facts, but various dispatches indicate the progress the Japanese are making in the reduction of Port Arthur. Japanese here explain the great importance of 208 meter hill, which, besides giving command of the harbor, will serve as a wide breach made by the wedge the Japanese had previously driven in between the Etse group and the Russians' last retreat in the ravines of Lactie mountain. They declare that retreat to Lactic will be effectively cut off and that it is not unlikely that Laotie will be simultaneously attacked in the final

assault. Bennett Burleigh wires to the Daily Telegraph from Che Foo that in the last assault the Japanese lost 4,000 in one hour's fighting. They claim to have captured two more of the northeastern forts and a third, which is part of the West Kekwan fort. They claim, Mr. Burleigh adds, to have efturning the fort on 203 meter hill, and that they are now tunnelling from the gorge below Laotie hill, which they hope first to damage and then to rush. The dispatches continue;

Desperate ghting is proceeding daily and the losses are admitted to be excessive, but the Japanese insist that Port Arthur must fail within twenty-one days. The morning Post's correspondent at Shanghai telegraphs that wireless com-

munication has been re-established between the Russian consulate at Che Foo and the Port Arthur garrison. Think Oyama is Weakened. ST. PETERSBURG, Nov. 29.-The following dispatch has been received from General

Kouropatkin, dated November 28: The engagement near Tsinketchen (near Da pass) was resumed today, but ceased at II a. m. We have collected and buried the Japanese dead. By midday we had found 250 bodies, all belonging to the Seventh Reserve regiment of the Ninth Reserve brigade. We took a large quantity of rifles, ammunition and entrenching tools.

Mr. Chanler has been denied access to the . According to information which has been papers relating to the estate. He further received at the War office here Ffeld Marrepresents that Mr. Chanler was and is a shal Oyama's strength is much smaller citizen of the town of Rye in this state than heretofore believed, tending to confirm and not a resident of Virginia as claimed, the theory that a large force has been and that because of such residence the withdrawn to assist in storming Port Arfederal courts are without jurisdiction in thur. This information is to the effect that not much more than 150,000 men are now confronting General Kouropatkin, but that the Japanese lines are heavily fortifled in order to check any aggressive movement which Kouropatkin might undertake long enough to enable the Japanese to hurry up reinforcements by rall from the peninsula. The present activity of the Japanese along the front, these reports indicate, is only feigning, to convince Kouropatkin that the offensive is immi-Should this important intelligence be absolutely confirmed, it is possible that the Russian commander-in-chief may himself attempt to strike a quick blow. Kouropatkin is now supposed to have nearly

300,000 men. Situation at Port Arthur. TOKIO, Nov. 29.-The imperial headquarters tonight summarized the Port Ar-

thur situation as follows: With regard to the enemy's forts at Sungshu mountain and eastward we have firmly captured the crests, gicels and counter scarps and their vicinities, but the time to charge has not yet come. At present we are destroying the casemates and other caponiers.

At 203-meter hill, by several charges, we succeed in capturing the enemy's shel-

succeeded in capturing the enemy's shel-ter trenches near the summit. At present our force is holding its position and en-deavoring to capture the whole fort. The imperial headquarters today summarized the Manchurian situation in the following statements:

following statements:

On the evening of November 27 the enemy made a dull bombardment against Santaokuntzu and the enemy's infantry from 6:30. During the attack the enemy's mortars in the neighborhood of Weichlalontzu bombarded Santaokuntzu, Kanchiawotzu and their vicinities, but did not injure us. From sunset November 27 the enemy's mortars and field guns west of the railroad bombarded incessantly the neighborhood of Kuchiatzu. Simultaneously the enemy's infantry occupied a village northwest of Nankuautzu and fired in the direction of Siaochizen which is north of Kuchiatzu. The firing quieted down at 8:50. The same evening at 10:30 the enemy's infantry west of the railroad on the right bank of the Shakhe river and northward of Siachiapu fired at us desultorily and ceased firing at 11:30. There have been several skirmlahes between scouting parties. In other respects the situation is unchanged.

Fight Lasts Four Days. WITH THE RUSSIAN FORCES AT SHENKING. Nov. 21.—The fight of the Japanese with General Rennenkampf's Cossacks which began en November 24 ended at 6 p. m. November 28. The Japanese nearer than 600 yards. During a snowstorm at midday on the 28th the Japanese tried to outflank the Russian right, but the rifles and four guns forced them to retire. The Russian losses were small. On November 27 Russian scouts captured Nangentze village and held it twenty min-

utes, while sappers blew up a large stone

Hear News of Fighting. CHE FOO, Nov. 29 .- Chinese and Japanese advices received here today, while not beyond question, indicate the practical certainty that another general assault on Port Arthur began November 24 and was continuing November 27. It is certain that there has been severe fighting. The only question is whether the assault was sufficiently wdespread to be called general The fighting is with the object of capturing additional Russian trenches. The summit forts seemingly were not attacked. Chinese say that one train of thirty curs recently arrived at Port Dalny with wounded men. No prinopors were cap-

As frequently indicated, the Japanese position is most promising at Ribium mountain and Keckwan mountain and the